

Thirty-two comments were received on the Consent Decree during the public comment period and fell within the general categories outlined below along with the DEQ's response.

Quality of Life

Almost all comments included statements about the impacts that this landfill has had on nearby residents' quality of life. DEQ sympathizes with the community, and we recognize how challenging this has been. DEQ takes these matters very seriously, and thus convened a National Landfill Expert Panel (the "Expert Panel") to assist the City of Bristol, Virginia ("Bristol, VA") in remediation of the issues within the landfill. The consent decree between DEQ and Bristol, VA has been crafted to bring resolution to these issues as quickly as possible. Bristol, VA has been adhering to the timelines currently specified within the Consent Decree and making progress to complete the engineering controls laid out by the Expert Panel to minimize odors, reduce landfill temperatures and manage problematic conditions within the landfill which should provide relief to the quality of life of residents.

Permanent Closure

Several comments requested that the consent decree include conditions for the permanent closure of both landfills. The purpose of the consent decree is to compel Bristol, VA to complete the actions recommended by the Expert Panel in accordance with the proposed schedule of compliance in order to address the subsurface reaction, provide relief from malodors, and properly address regulatory non-compliance. The consent decree is not a permit, and Bristol, VA is responsible for achieving and maintaining compliance with all applicable federal, state and local law, regulation, ordinance, permits, and approvals of any kind.

The Consent Decree reflects the immediate need to address malodors and the subsurface reaction. Therefore, the Consent Decree does not require permanent closure, but does require installation of intermediate cover and EVOH cover system. The landfill is still subject to Virginia law and regulations, and closure is still required for both the SWP588 quarry landfill and SWP498 landfill in accordance with the Virginia Solid Waste Management Regulations (VSWMR) 9 VAC 20-81 et seq. and the Virginia Waste Management Act (WMA), §10.1-1400 et seq. As the Expert Panel pointed out, a permanent landfill cap would have to be designed to accommodate expected waste mass settlement, stormwater management, gas collection and control, and site monitoring, which are further complicated since the landfill surface is currently below grade. Separately, revised closure plans for the SWP498 landfill have been submitted to DEQ for review and approval in accordance with the VSWMR. Following closure, the SWP498 landfill will then be monitored in post-closure care in accordance with VSWMR.

Continuous Air Monitoring

Several comments requested the need for air monitoring, with a few also requesting continuous air monitoring. Currently, Bristol, VA takes air samples once per month for a duration of 24 hours near the facility boundary. The air samples are collected onsite using a Summa canister and air sampling is conducted in coordination with site remediation work, when fugitive emissions are anticipated to be the greatest. Air samples are then sent to a laboratory for analysis using EPA Method TO-15, Determination of Volatile Organic Compounds in air, collected in specifically prepared canisters, and analyzed by Gas Chromatography / Mass Spectrometry. The validated data is then submitted to DEQ in a monthly report as required by the Facility Odor Management Plan. This monthly data is also provided to the Agency for Toxic Substance and Disease Registry (ATSDR) for further assessment purposes. The DEQ web address with all the air sampling data, to date, can be found at the following web address <https://www.deq.virginia.gov/get-involved/topics-of-interest/bristol-landfill>.

Additionally, continuous 24-hour community ambient air monitoring at multiple locations in Bristol, Virginia and Bristol, Tennessee were conducted by EPA from June 9 to July 22, 2021, October 19 to October 28, 2021, January 24 to February 8, 2022, April 11 to April 13 and April 19 to April 20. Ambient air was monitored continuously during these monitoring periods

utilizing MutiRae Pro equipment. In addition to continuous air monitoring, DEQ and EPA obtained multiple 8- and 24-hour ambient air samples utilizing Summa canisters that were analyzed using EPA Method TO-15. All of the data that was collected during these air monitoring events were provided to ATSDR for their evaluation. EPA air sampling and monitoring reports from EPA and all DEQ air sampling data has been posted to DEQ public website for the Bristol Landfill for anyone to obtain and review. The DEQ web address with all this air sampling and air monitoring data can be found at the following location <https://www.deq.virginia.gov/get-involved/topics-of-interest/bristol-landfill>.

To date, air sampling and monitoring efforts at the Facility and within the community (VA and TN) have not demonstrated durations and/or concentrations that would initiate immediate actions by the regulatory Agencies; however, the Agency for Toxic Substance and Disease Registry (ATSDR) is still assessing this data.

Soil & Water Monitoring

A few comments requested soil and water testing. While one comment suggested continued soil testing, soil testing is not currently required by any of the DEQ permits or the Consent Decree. The SWP588 landfill is a Subtitle D, lined landfill situated within a rock quarry, and on-site soils are limited.

All landfill leachate and gradient control groundwater and stormwater from the quarry landfill are all managed and discharged into Bristol Virginia Utilities (BVU) sanitary sewer collection system and then transported to and treated by a permitted wastewater treatment plant under strict adherence to that independent facility's Tennessee water discharge permit.

Specifically regarding stormwater, there currently is no water run-off from the quarry landfill, as all water is captured within the landfill quarry basin and managed through the existing leachate collection system. Stormwater run-off from other portions of the property are regulated under strict adherence to their Virginia Pollutant Discharge Elimination System (VPDES) permit.

Groundwater sampling and analysis is performed in accordance with the facility's solid waste permits, Virginia Solid Waste Management Regulations (VSWMR) 9 VAC 20-81 and the Virginia Waste Management Act (WMA), §10.1-1400 et. seq.

High Temperature Monitoring

One comment requested monitoring of high temperatures and possible fires, and to make the information public knowledge. In accordance with the consent decree, Bristol, VA has installed a dedicated temperature monitoring system consisting of temperature probes installed within strategic vertical profiles of the waste mass to monitor temperatures, characterize the temperatures, and evaluate the effectiveness of remedial actions. Data will be provided in the monthly compliance report required by the Consent Decree and available on Bristol, VA's website (see Website Posting response below).

Community Emergency or Safety Plan

Several comments requested the creation of a Community Emergency or Safety Plan. Bristol, VA has a Health and Safety Plan (HSP) and an Emergency Contingency Plan (ECP) within the Facility Operations Manual for the City of Bristol Integrated Solid Waste Management Facility. The HSP is in place to ensure occupational health and safety for site employees, workers and visitors. The ECP is in place to be implemented whenever there is an imminent emergency situation, such as fire, explosion, spillage, or discharge of a waste material, which could be deemed a threat inside and outside the facility or to the environment. The HSP and ECP are plans within the Operations Manual that are required to be maintained and reflect current site conditions. The Operations Manual is also certified annually by a responsible official of Bristol, VA. The Operations Manual and any plans within it are public records.

At this time, there has been no known declared emergency by the Governor, or the City of Bristol Virginia City Council related to the landfill, which could enact these plans. We will continue to monitor this situation and further collaborate with our state and federal partners, if needed.

Request for Funds

Several comments requested funds for items such as relocations, air filter purchases and reimbursements, and health screenings. While DEQ is sympathetic to the hardships the community has faced, the focus of the Consent Decree is timely remediation and implementing the Expert Panel's recommendations.

Website Posting of Data and Information, Notifications of Activities, and Public Outreach

Several comments requested posting data and information as well as notifications of activities such as drilling alerts. Bristol, VA has already established a website providing responses to frequently asked questions, monthly compliance reports required by the Consent Decree, and data, located at: www.bristolvalandfill.org. There is also a website blog providing landfill notifications and information on recent activities and upcoming events that residents can subscribe to at: <https://www.bristolva.org/Blog.aspx?CID=1>

DEQ is also posting reports, monitoring data, compliance documents, and plans submitted by the City on our website, located at: <https://www.deq.virginia.gov/get-involved/topics-of-interest/bristol-landfill>.

A comment requested DEQ facilitated public outreach. The Consent Decree requires Bristol, VA to create a Community Outreach program. The goal of the Community Outreach program is to communicate strategies, provide status updates and progress reports, and receive citizen feedback. While Bristol, VA is responsible for creating such a program, DEQ will continue to evaluate future opportunities for public outreach.

Reconvening the Expert Panel

Several comments requested reconvening the Expert Panel. Further evaluation of reconvening the Expert Panel to review the incoming data will be taken under advisement, once all original recommendations have been fully implemented, if needed.

City of Bristol, Virginia's Comments

Bristol, VA requested two edits to conditions within Appendix A of the Consent Decree for technical reasons related to construction and previously unknown conditions within the landfill. DEQ has no objections to these edits and any changes to the Consent Decree will be made in furtherance of the Expert Panel's recommendations.